

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	MISCELLANEOUS BUSINESS
WILLIAM J. MURRAY,)	DOCKET No. 04-MBD-10069
)	
<i>Plaintiff,</i>)	
)	
)	(Related to Cause
)	No. 3:03 CV-088P, U.S. District
)	Court, Northern District of
)	Texas, Dallas Division)
TXU CORP. et al.,)	
)	
<i>Defendants.</i>)	
_____)	

MOTION TO STRIKE

American National Power, Inc. ("ANP") respectfully moves for an order pursuant to Fed. R. Civ. P. 12(f) striking false statements from TXU's March 26, 2004 Reply Memorandum and the Supplemental Affidavit of Patricia S. Gill. In support of this Motion, ANP relies on the accompanying Memorandum of Law, filed herewith.

WHEREFORE, ANP respectfully requests that this Honorable Court enter an order:


- A. Striking false statements from TXU's Reply Memorandum and the Supplemental Affidavit of Patricia S. Gill; and
- B. Granting such other relief as is just and proper. Directing TXU to reimburse ANP for its costs, including attorney's fees, incurred in bringing this Motion.

Respectfully submitted,

AMERICAN NATIONAL POWER, INC.

By its attorneys,

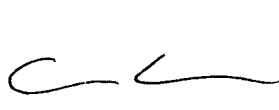
Dated: April 9, 2004



Christopher H.M. Carter (BBO #561146)
Darin A. Day (BBO #650228)
Hinckley, Allen & Snyder LLP
28 State Street
Boston, MA 02109
(617) 345-9000, phone
(617) 345-9020, facsimile

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered by First Class U.S. Mail to all counsel of record.

 / DAD

Christopher H.M. Carter

#481175